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HOUSE BILL 2960
By Fitzhugh

AN ACT to amend Tennessee Code Annotated, Title 68, Chapter 221, Part 4, relative to subsurface sewage disposal systems.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-221-415, is amended by deleting the section in its entirety and by substituting instead the following:

§68-221-415.

(a) The department of environment and conservation is directed to coordinate a pilot project study of advanced treatment systems (ATS) over a four-year period. For purposes of §68-221-415 - §68-221-417, ATS are defined as those waste water treatment systems that have been certified and listed by the National Sanitation Foundation as meeting American National Standard Institute/National Sanitation Foundation, "ANSI/NSF" Standard 40 or those systems that have been certified by another third party testing entity acceptable to the commissioner as meeting ANSI/NSF Standard 40 by a methodology acceptable to the commissioner. The department shall determine which of the existing water and waste water treatment authorities ("authorities") created pursuant to Title 68, Chapter 221, Part 6 wish to participate in this

study. The department and any participating authorities shall develop a detailed plan for the pilot project study. Any authorities created after the initiation of the study shall be eligible to participate on the same terms as the existing authorities. The study shall be conducted as follows:

(1) It shall only be conducted in counties, municipalities, or metropolitan governments that have established an authority;

(2) The costs of the study shall be borne by the participating authorities, the owners of ATS, and the manufacturers;

(3) During the term of the study, the manufacturer shall conduct quarterly sampling and analysis of the effluent to determine if the level of CBOD5 is no higher than 25 mg/l and the level of TSS is no higher than 30 mg/l and perform any necessary repairs if any sample result exceeds either of those limits;

(4) The ATS shall only be installed on lots that meet the requirements of the rules promulgated pursuant to this part; provided, that lots may be eligible for the study if the primary disposal area meets the requirements of Appendix II of the rules after considering the reductions specified in (b)(6) and the duplicate area meets the requirements of Appendix II for a conventional system;

(5) The participating authorities and the department shall approve and oversee the installation of all ATS;

(6) The participating authorities shall receive and maintain the reports of operation and maintenance on all ATS; and

(7) The participating authorities shall perform operation and maintenance on any ATS during the term of the study in the event the owner and the manufacturer fail to perform operation and maintenance and shall have the right to enter upon private property during reasonable business hours for this purpose.

(b) The purposes of the study are:

(1) To determine whether any reduction in field lines for final dispersal of effluent from ATS is appropriate as compared to the requirements for conventional systems, and if so, to what extent;

(2) To test the performance of ATS and the effluent dispersal from ATS in the various conditions that occur in the state by conducting studies in each of the three (3) grand divisions, including evaluation of sandy soils, clay soils, pan soils, and sloped installations;

(3) To determine the necessary interval for maintenance on ATS;

(4) To evaluate the impact on the quality of effluent from ATS of various factors that may occur in daily use such as disposal of household cleaners, detergents and other commonly used household chemicals, as well as the effect of vacations during which there is no flow through the system, etc.;

(5) To evaluate through surveys of other states, a review of literature or other means, what mechanism would be best to ensure that operation and maintenance of ATS would occur throughout the life of the systems; and

(6) Without limiting any of the foregoing including studying other sizes of area for field lines, the study shall specifically evaluate whether the following reductions in area of field lines for disposal of effluent from ATS are appropriate:

(A) Forty percent (40%) in soils determined by a certified soil scientist to have an absorption rate of sixty (60) minutes per inch or less;

(B) Thirty percent (30%) in soils determined by a certified soil scientist to have an absorption rate of sixty-one (61) through seventy-five (75) minutes per inch; and

(C) Twenty percent (20%) in soils determined by a certified soil scientist to have an absorption rate greater than seventy-five (75) minutes

per inch but which qualify for a permit under the requirements of §68-221-403(c)(1) through (5).

(c) The department is further directed to incorporate the results of this study into its regulations for subsurface sewage disposal systems so that ATS will be allowed as an alternative method of sewage disposal under appropriate conditions.

SECTION 2. Tennessee Code Annotated, Section 68-221-416, is amended by deleting the section in its entirety and by substituting instead the following:

§68-221-416. All ATS installed are subject to the following requirements:

(a) A technician certified by the manufacturer shall install or personally supervise the installation of each ATS and associated field lines. Once an ATS is installed pursuant to §68-221-415 and this section, the owner of the property shall perpetually operate and maintain it properly. This requirement shall run with the land and be binding upon all future owners of the property. A technician certified by the manufacturer shall perform this operation and maintenance on the ATS.

(b) Routine operation and maintenance must be performed at three-month intervals.

(c) The manufacturer must execute a four-year operation and maintenance contract with the owner of each ATS sold and installed. The costs of such contract must be included in the original price of the installed ATS. The contract must require that the manufacturer provide the following services, unless the damage or failure is caused by abuse by the homeowner or a third party outside the control of the manufacturer or technician:

(1) All manufacturer required or recommended mechanical and physical inspections and adjustments;

(2) Inspections, repairs, and cleaning or replacement of any filters or mechanical components, as required or as may be necessary;

(3) Service calls at request of owner to inspect, adjust, repair, or replace components;

(4) Any necessary repairs to the effluent disposal system associated with the ATS; and

(5) Measure the sludge and pump it out and properly dispose of it, when necessary.

SECTION 3. Tennessee Code Annotated, Section 68-221-417, is amended by adding the following sentence:

Each failure of an ATS manufacturer to comply with the provisions of §68-221-417, shall constitute a separate offense punishable as a Class C misdemeanor.

SECTION 4. This act shall take effect July 1, 2002, the public welfare requiring it.